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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

National institutions for the promotion and protection of human rights

Report of the Secretary-General**,***

Summary

In its resolution 68/171 on national institutions for the promotion and protection of human rights, the General Assembly requested the Secretary-General to submit a report to it at its seventieth session on the implementation of the resolution. The present report, covering the period from September 2014 to August 2015, contains information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights to establish and strengthen national human rights institutions; measures taken by Governments and national human rights institutions in that regard; support provided to international and regional activities of national human rights institutions; technical assistance provided jointly with other United Nations agencies and programmes; and cooperation between national human rights institutions and international mechanisms to promote and protect human rights, including participation in the mechanisms of the Assembly.

* A/70/150.

** All references to Kosovo in the present report, whether to the territory, institutions or population, are to be construed in the context of Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

*** The present report was submitted late in order to reflect the latest information.

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I. Introduction

1. The present report is submitted pursuant to paragraph 26 of General Assembly resolution 68/171 on national institutions for the promotion and protection of human rights. In accordance with the resolution, the present report focuses on the participation of national institutions in the work of the Assembly and related processes, in addition to other activities.

2. Resolution 68/171 highlighted the role of independent national institutions for the promotion and protection of human rights in working with Governments to ensure full respect for human rights at the national level and in supporting cooperation between Governments and the United Nations in the promotion and protection of human rights. In the resolution, the Assembly recognized the important role of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in assisting the development of independent and effective national human rights institutions, guided by the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). During the period under review, OHCHR continued to provide advice and assistance towards strengthening national human rights institutions in 66 countries and contributed to the establishment of national human rights institutions in 12 countries. OHCHR supported several national human rights institutions facing threats and reprisals as they implemented their mandate. In each case, the High Commissioner called upon States to respect the independence of the institution while conducting its functions and to investigate the reprisals.

3. In resolution 68/171, the General Assembly also recognized the role played by national institutions for the promotion and protection of human rights in the Human Rights Council, including its universal periodic review mechanism and the special procedures, as well as in the human rights treaty bodies, in accordance with Council resolutions 5/1 and 5/2. It should be noted that, in the Council, national human rights institutions with "A status" (i.e. those in full compliance with the Paris Principles) may, inter alia, attend all regular and special sessions of the Council, except closed sessions; have reserved seating at the Council's sessions; submit written statements; make oral statements in person; make statements by means of video message; and participate in open-ended intergovernmental working groups to develop new international human rights instruments.

4. In its resolution 68/171, the General Assembly welcomed the important role played by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in close cooperation with OHCHR, in assisting Governments in establishing and strengthening national human rights institutions in accordance with the Paris Principles. It called upon Member States and other stakeholders, including United Nations entities, to follow up on the recommendations of the Subcommittee on Accreditation of the International Coordinating Committee.

II. Office of the United Nations High Commissioner for Human Rights and national human rights institutions

A. Support to Governments and other national stakeholders

5. OHCHR continued to assist Governments in establishing and strengthening human rights institutions by providing technical assistance, in particular through comparative analysis, needs assessment and evaluation missions, and legal advice on constitutional and legislative frameworks regarding the nature, functions, powers and responsibilities of national human rights institutions.

6. During the period under review, OHCHR provided advice and other forms of assistance to strengthen human rights institutions in Argentina, Armenia, Azerbaijan, Bahrain, Barbados, Bosnia and Herzegovina, Burkina Faso, Burundi, Cameroon, Chad, Chile, Colombia, the Comoros, the Congo, Croatia, Egypt, El Salvador, Ethiopia, the former Yugoslav Republic of Macedonia, Guatemala, Haiti, Honduras, Iraq, Ireland, Jordan, Kazakhstan, Kosovo, Kyrgyzstan, Libya, Madagascar, Maldives, Mauritania, Mauritius, Mongolia, Nicaragua, the State of Palestine, Panama, Peru, the Philippines, the Republic of Moldova, Rwanda, Samoa, Saudi Arabia, Senegal, Serbia, Seychelles, Slovakia, Somalia, South Africa, Swaziland, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, the United Republic of Tanzania, Uruguay and Zimbabwe.

7. OHCHR also provided assistance aimed at the establishment of national human rights institutions in Benin, Botswana, Chad, the Democratic Republic of the Congo, Fiji, Kuwait, Myanmar, Oman, Turkmenistan, the United Arab Emirates, Vanuatu and Yemen.

1. Africa

8. In Africa, OHCHR supported activities related to national human rights institutions carried out by its regional offices for Central, East, Southern and West Africa, its country offices in Guinea, Togo and Uganda, the human rights advisers to the United Nations country teams in Chad, Kenya, Madagascar, the Niger and Rwanda and the human rights components of the United Nations missions in Burundi, the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Guinea-Bissau, Liberia, Somalia and the Sudan (Darfur).

Legal advice

9. In September 2014, OHCHR provided legal advice to the Government of Chad on the bill amending the enabling legislation of the National Human Rights Commission.

10. In October 2014, the United Nations Assistance Mission in Somalia, in consultation with the Ministry of Women and Human Rights Development, organized a workshop to review the bill to establish an independent human rights commission and integrate comments from stakeholders, including OHCHR. The bill was to be tabled in Parliament in August 2015.

11. In March and April 2015, in Madagascar, OHCHR and the United Nations Development Programme (UNDP) supported several national consultative

workshops following the enactment of the law on the establishment of a national human rights institution.

12. OHCHR provided advice and technical assistance to the Government of Botswana and other national stakeholders on the process of establishing a national human rights institution, including possible models and structures.

Capacity-building

13. In Madagascar, in June 2014, OHCHR provided advice on the appointment of commissioners. The Organisation internationale de la Francophonie, UNDP, the United Nations Children's Fund (UNICEF) and the United Nations Population Fund financed the process. The Government committed to funding the institution and provided it with a building.

14. In November 2014, OHCHR and UNDP conducted a workshop on a human rights-based approach for the Ethiopian Human Rights Commission. In February 2015, OHCHR collaborated with the Commission in the organization of a workshop on the universal periodic review. The Commission subsequently published the recommendations from the review of Ethiopia in the local languages.

15. In November 2014, in partnership with the Commonwealth, OHCHR provided technical advice to the Human Rights Commission of Swaziland in the context of a human rights needs assessment mission.

16. In December 2014, OHCHR provided guidance to the National Human Rights Commission of Mauritius on the use of special procedures mandate holders, including the process of issuing standing invitations.

17. In December 2014, the OHCHR Regional Office for Southern Africa presented the Guiding Principles on Business and Human Rights and their application in the Southern African context at a workshop organized by the South Africa Human Rights Commission. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), OHCHR and the Commission worked on a research and advocacy project on the economic empowerment of women. The project is aimed at supporting the Commission in incorporating gender and human rights considerations into budget and fiscal policy and at advancing policy addressing endemic poverty.

18. In July 2015, OHCHR and UNDP conducted training for the Zimbabwe Human Rights Commission, focused on monitoring detention centres and on the Commission's engagement with the United Nations human rights system.

19. In the Democratic Republic of the Congo, OHCHR, in cooperation with the United Nations Joint Human Rights Office, followed the process of selecting the members of the National Human Rights Commission. The commissioners were appointed in April 2015.

20. OHCHR supported consultations of the Tanzanian Commission on Human Rights and Good Governance on the promotion and protection of the rights of persons with albinism. As a result, the Commission led national stakeholders to develop sustainable strategies to end violence and discrimination against albinism.

21. OHCHR and the Uganda Human Rights Commission established a feedback mechanism to update victims of human rights violations on progress regarding the

treatment of their complaints. OHCHR also supported the Commission in community outreach, which resulted in increased community engagement with the institution on reporting and follow-up on allegations of human rights violations. Joint monitoring of detention centres by OHCHR and the Commission, as well as joint advocacy, resulted in the modernization of the Amita prison residential facilities and the construction of a prison facility in the Kaabong District.

22. OHCHR also conducted capacity-building for the staff of the Human Rights Commission in Uganda on transitional justice, business and human rights, and other areas and supported the Commission in developing a human rights recommendations database to enable efficient monitoring, tracking and reporting on the implementation of human rights recommendations.

23. In Seychelles, UNDP, OHCHR and the Government coordinated a capacity-building project on the Paris Principles for the newly appointed members of the National Commission.

2. Americas

24. In the Americas, OHCHR supported activities related to national human rights institutions carried out by its regional offices for South America and Central America, its country offices in Bolivia (Plurinational State of), Colombia, Guatemala and Mexico, the human rights advisers to the United Nations country teams in Ecuador, Honduras and Paraguay and the human rights component of the United Nations Stabilization Mission in Haiti.

Legal advice

25. OHCHR provided legal advice to the Government of Barbados on the process of establishing a national human rights institution, yet to be created.

26. In Peru, OHCHR promoted, through various advocacy initiatives with Congress, the enactment of a law designating the national human rights institution as the national preventive mechanism. OHCHR provided legal advice on the bill, and in December 2014 Congress enacted the law and approved a new budget to fulfil the mandate.

Capacity-building

27. In September 2014, OHCHR drafted a compilation of international and regional human rights standards relating to social protests, in collaboration with the human rights institution of Chile. They also jointly elaborated human rights indicators to monitor compliance with the concluding observations of the Human Rights Committee.

28. Also in Chile, OHCHR organized workshops for the institution on the Third Optional Protocol to the Convention on the Rights of the Child (November 2014) and on alternative reporting to the Committee on Economic, Social and Cultural Rights (January 2015).

29. In Colombia, OHCHR and the Ombudsman facilitated dialogue between security sector institutions and indigenous communities in Cauca following clashes among them. They jointly conducted several human rights monitoring missions,

including on the right to health of Afro-Colombian and Hitnu children in Riosucio and Arauca.

30. In El Salvador and Nicaragua, OHCHR worked to strengthen the human rights institutions' capacities to address cases of racism and racial discrimination. A total of 51 human rights officers from headquarters and regional offices (33 in Nicaragua and 18 in El Salvador) were trained on how to implement a national institution intervention protocol for cases of racial discrimination. The national human rights institution of El Salvador committed to modifying its internal database in order to register cases and patterns of racial discrimination.

31. In Guatemala, OHCHR engaged in strengthening the capacities of the national human rights institution regarding the right to food; supported the design of joint instruments on the nutritional status of children and adolescents; and developed a strategy to monitor the implementation of the State's actions to reduce malnutrition.

32. In Haiti, OHCHR contributed to strengthening the monitoring and reporting capacity of the Office de la protection du citoyen and conducted monitoring visits with the institution's staff members.

33. OHCHR and UNDP jointly implemented a project on strengthening the rule of law for the protection and promotion of human rights in Honduras, which included strengthening the capacities of the National Commissioner for Human Rights on the rights of human rights defenders.

34. OHCHR supported the national human rights institution in Panama in organizing training-of-trainers courses for police officers. The institution subsequently updated its training manual in line with international standards.

35. In Uruguay, OHCHR held workshops to enhance the engagement and interaction of the human rights institution with international human rights mechanisms.

36. In Argentina, OHCHR worked with the Defensoría del Pueblo de la Nación on the adaptation of a guide for the institution to handle racial and ethnic discrimination. It also organized two training courses on indigenous peoples' rights, in collaboration with the institution, as part of a joint programme with the institution, OHCHR, UNDP, UNICEF, the International Labour Organization and Norway.

3. Asia and the Pacific

37. In Asia and the Pacific, OHCHR supported activities related to national human rights institutions carried out by its regional offices for Central Asia, South-East Asia and the Pacific, its office in Cambodia, the human rights advisers to the United Nations country teams in Papua New Guinea, the Philippines, Sri Lanka and Timor-Leste and the human rights component of the United Nations Assistance Mission in Afghanistan.

Legal advice

38. In 2014, OHCHR provided legal and other substantive assistance for the establishment of the National Human Rights Committee of Vanuatu and later participated in the induction and training of its members.

Capacity-building

39. In Timor-Leste, a joint project of OHCHR and UNDP provided capacity support to the Provedoria for Human Rights and Justice in monitoring, case management, reporting, advocacy and human rights education. In September 2014, OHCHR trained Provedoria staff and civil society organizations on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Provedoria subsequently prepared a shadow report to the Committee against Torture and developed an advocacy strategy to address torture and cruel, inhuman and degrading treatment in detention centres. In October 2014, OHCHR provided training to Provedoria staff on economic, social and cultural rights, which allowed the institution to monitor the Government's programme of school feeding and local health services. In January 2015, OHCHR, UNDP and the Asia-Pacific Forum of National Human Rights Institutions conducted a capacity assessment of the Ombudsman of Timor-Leste. In May 2015, the Ombudsman adopted an action plan to implement the recommendations resulting from the assessment.

40. OHCHR advocated the re-establishment of the Fiji Human Rights and Anti-Discrimination Commission, and OHCHR advocacy efforts contributed to the appointment of new commissioners in May 2015.

41. In 2014, OHCHR, in collaboration with the Asia-Pacific Forum of National Human Rights Institutions and UNDP, conducted a capacity assessment of the Office of the Ombudsman in Samoa. Subsequently, OHCHR provided technical support to the development by the Ombudsman of a human rights report, which was published and disseminated nationally.

4. Europe and Central Asia

42. In Europe and Central Asia, OHCHR supported activities related to human rights institutions carried out by its regional offices for Europe and Central Asia, its office in Kosovo, the human rights advisers to the United Nations country teams in the former Yugoslav Republic of Macedonia, the Republic of Moldova, the Russian Federation, Serbia and Tajikistan and the human rights adviser of the United Nations Regional Centre for Preventive Diplomacy for Central Asia.

Legal advice

43. In 2014, OHCHR provided legal advice to the Ombudsman of the former Yugoslav Republic of Macedonia, including a preliminary analysis of the draft amendments to the founding law of the Ombudsman. Subsequently, the Government submitted the draft amendments to Parliament for adoption.

44. OHCHR supported several advocacy initiatives by the Ombudsman of Kyrgyzstan with the Government and parliamentarians on amending the enabling law in compliance with the Paris Principles.

45. In the Republic of Moldova, OHCHR worked closely with both the Equality Council and the Ombudsperson institution to provide legal analysis of four national laws, namely on equality, minorities, the protection of persons with disabilities and women's rights.

Capacity-building

46. In November and December 2014, OHCHR cooperated with the Ombudsman in Azerbaijan in the organization of public discussions on the implementation of recommendations submitted at the country's second universal periodic review cycle.

47. In February 2015, OHCHR and UNDP conducted a joint mission to Bosnia and Herzegovina following an assessment of the Ombudsman institution. The recommendations from the assessment were discussed and will be used as a tool by national actors for proposed amendments to the existing legislation on the Ombudsman.

48. In April 2015, UNDP, OHCHR, UNICEF, UN-Women and the Office of the United Nations High Commissioner for Refugees organized a training course for key personnel of the Ombudsman of Kyrgyzstan on strategic planning and economic, social and cultural rights. OHCHR also assisted the Ombudsman in drafting the institution's annual report to Parliament for 2014.

49. In May 2015, in Kazakhstan, OHCHR conducted four regional capacity-building seminars on torture prevention for the 145 newly elected members of the national preventive mechanism.

50. In June 2015, in follow-up to the recommendations from the universal period review on the establishment of an independent human rights institution supported by the Government of Turkmenistan, OHCHR met with relevant government officials and organized a workshop on the Paris Principles with national stakeholders.

51. In Armenia, in 2015, OHCHR supported the Ombudsman's role of developing an alternative report to the country's second cycle and provided advice on the preparation of an alternative report to the Committee on Economic, Social and Cultural Rights.

52. In the Republic of Moldova, OHCHR, the Equality Council and the Ombudsman institution jointly followed up on cases of discrimination and other human rights violations. OHCHR advised the two institutions on the legal application and interpretation of relevant international human rights standards.

53. Also in the Republic of Moldova, during the reporting period, OHCHR and the two aforementioned institutions organized eight training courses for judges and prosecutors on the application of the anti-discrimination legislation and principles.

54. In Tajikistan, OHCHR continued to provide expert support to the national preventive mechanism monitoring group under the auspices of the Ombudsman institution. The national preventive mechanism started conducting monitoring visits in 2014.

5. Middle East and North Africa

55. In the Middle East and North Africa, OHCHR supported activities related to national human rights institutions carried out by its Regional Office for the Middle East, the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region, its offices in Mauritania, the State of Palestine, Tunisia and Yemen and the human rights components of the United Nations Assistance Mission for Iraq (UNAMI) and the United Nations Support Mission in Libya (UNSMIL).

Legal advice

56. In Kuwait, OHCHR provided legal advice on a bill for the establishment of a human rights institution and another governmental human rights entity to be placed under the supervision of the Council of Ministers. The law was adopted in April 2015.

57. In December 2014, OHCHR held a seminar on the Paris Principles with the Shura and the State Council of Oman and other stakeholders to promote compliance with the Paris Principles of the bill to amend the Royal Decree on the National Human Rights Commission. The bill was before Parliament at the time of writing the present report.

58. OHCHR provided comments on the draft national human rights institution law of Yemen, which has not yet been adopted, owing partly to the ongoing conflict.

Capacity-building

59. Between August and October 2014, OHCHR provided technical assistance to the National Council for Civil Liberties and Human Rights of Libya in drafting its universal periodic review report. In February 2015, UNSMIL facilitated a session on human rights monitoring and reporting at a workshop organized by the American Bar Association for the national human rights institution.

60. In September 2014, in Amman, UNAMI, UNDP and OHCHR organized a workshop on handling, investigating and reporting complaints of human rights violations for representatives of the Independent High Commission for Human Rights of Iraq and the Independent Board for Human Rights in the Kurdistan Region. In May and June 2015, UNAMI held training courses for more than 40 staff of the High Commission's secretariat on the protection of civilians in armed conflict and on monitoring, investigating and reporting human rights violations and abuses.

61. In December 2014, OHCHR conducted training on human rights indicators for staff of the national institution in Egypt.

62. In Mauritania, OHCHR trained the human rights institution on monitoring detention centres and on international human rights mechanisms. The institution subsequently submitted several reports to United Nations mechanisms. OHCHR supported the organization of conferences with the institution and the University of Nouakchott to mainstream human rights education in the curriculum of legal and social courses.

63. OHCHR supported the training of the National Human Rights Commission in Oman on investigations and individual complaints and on universal periodic review reporting, in cooperation with the Palestinian Independent Commission for Human Rights.

64. OHCHR worked with the Palestinian Independent Commission for Human Rights on workshops and technical briefings for government officials on reporting to United Nations treaty bodies and implementing obligations under international human rights treaties.

65. OHCHR and the Saudi Human Rights Commission developed a training programme targeting ministry officials on a human rights-based approach to combating trafficking in persons and to investigating cases and addressing victims in an appropriate manner.

B. Support to regional and subregional initiatives of national human rights institutions

1. Africa

66. As a member of the steering committee for the research project developed by UNDP and the Network of African National Human Rights Institutions, OHCHR contributed to research on the state of national human rights institutions in Africa. The resulting report, which has yet to be published, will contain an analysis of the role and capacity of African institutions to promote and protect human rights, highlight gaps and constraints and include recommendations for policy options.

2. Americas

67. In September 2014, the OHCHR Regional Office for South America convened a workshop with human rights institutions from the region (including Argentina, Brazil, Chile, Colombia, Peru and Uruguay) to share good practices on monitoring social protests and on their interaction with parliaments.

3. Europe and Central Asia

68. The OHCHR Regional Office for Europe carried out activities for national human rights institutions on equality and non-discrimination and participated in the launch of a project on the human rights of older persons in long-term care, to be implemented by the European Network of National Human Rights Institutions.

C. Support to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and its Subcommittee on Accreditation

1. International Coordinating Committee

69. As the secretariat of the International Coordinating Committee, OHCHR facilitated and provided support to the twenty-eighth annual general meeting of the Committee, held in Geneva in March 2015.

70. The fifth annual meeting of the tripartite partnership between the International Coordinating Committee, UNDP and OHCHR was held in New York in June 2015. The partnership aims to increase cooperation among the parties towards better coordinating and leveraging knowledge, expertise and capacity to strengthen national human rights institutions. On 12 June 2015, UNDP, OHCHR and the International Coordinating Committee hosted the third annual seminar series on national human rights institutions at United Nations Headquarters in New York. The seminar focused on good practices and challenges of national human rights institutions' participation in the international human rights system, including General Assembly mechanisms, and their role as institutions of accountability.

2. Subcommittee on Accreditation of the International Coordinating Committee

71. In November 2014 and May 2015, OHCHR provided secretariat support to the meetings of the Subcommittee on Accreditation. As at May 2015, 72 national human rights institutions were accredited with "A status" by the International Coordinating Committee, compared with 69 institutions in May 2013.

3. Reprisals against representatives of national human rights institutions

72. OHCHR supported several national human rights institutions facing threats and reprisals as they implemented their mandate, including the institutions of Australia, Kyrgyzstan, Libya, Maldives, Serbia and Ukraine. In each case, the High Commissioner called upon the Government concerned to respect the independence of the institution while conducting its functions and to investigate the reprisals.

III. Support by the United Nations Development Programme and other United Nations agencies, funds and programmes to national human rights institutions

A. Americas

73. In Peru, UNDP supported a training course on disabilities and on the management and quality of water resources and their impact on the rights of individuals for the Office of the Ombudsman. In addition, in coordination with the Government and the Ombudsman, UNDP supported the drafting of several documents regarding extractive industries and related conflicts.

B. Asia and the Pacific

74. In Afghanistan, UNDP supported the development of the strategic plan and action plan of the Independent Human Rights Commission for the period 2014-2018 and conducted training for the institution on a human rights-based approach and women's human rights.

75. In November 2014, with UNDP support, the National Human Rights Commission of Bangladesh organized a conference in Dhaka to promote a regional human rights mechanism in South Asia. In October 2014 and January 2015, through UNDP advocacy and support, the Commission submitted alternative reports to the Committee on the Rights of the Child and the Committee against Torture. In April 2015, UNDP supported the Commission in organizing a workshop with government and civil society representatives, which resulted in proposals to strengthen the legal protection afforded to disadvantaged and vulnerable groups. In May 2015, the Commission organized, with UNDP support, a national workshop on anti-trafficking with government ministries involved in the prevention of trafficking and assistance to victims.

76. In February 2015, UNDP and the Asia-Pacific Forum of National Human Rights Institutions organized a workshop in Bangkok with national human rights institutions from the Asia-Pacific region on sexual orientation and gender identity.

77. In Indonesia, UNDP supported the national human rights institution, Komnas HAM, in integrating gender perspectives into a public inquiry into issues related to land and indigenous peoples, facilitating consultations with non-governmental women's organizations and other stakeholders.

78. In Maldives, UNDP supported the development of a manual for the National Human Rights Commission on advocacy strategies and community awareness-raising.

79. In the Philippines, UNDP assisted the Human Rights Commission in establishing a universal periodic review tripartite monitoring mechanism to monitor recommendations from the review. It also supported the development of a regulatory framework for businesses in the private sector, incorporating the Guiding Principles on Business and Human Rights.

C. Europe and Central Asia

80. In 2014, UNDP collaborated with the Office of the Ombudswoman in Croatia on building the institution's capacities in reporting under the universal periodic review.

81. In November 2014, in cooperation with UN-Women, the Public Defender of Georgia prepared its gender equality strategy and action plan. Capacity support was also provided to the Gender Equality Department of the Office of the Public Defender to work on issues of violence against women and domestic violence. In cooperation with UN-Women, the Office of the Public Defender issued guidelines for practitioners on responses to domestic violence and prepared a special report on violence against women and domestic violence. From October to December 2014, the Office of the Public Defender, with financial assistance from UNDP, monitored the human rights situation of persons with disabilities and conducted related awareness-raising activities for various stakeholders throughout the country.

82. In November and December 2014, the UNDP Regional Centre for Europe and Central Asia assisted the Ombudsman Institute in Kyrgyzstan in creating an electronic complaints management system. In April 2015, it conducted training for the Ombudsman on monitoring violations of children's rights, together with UNICEF.

83. In Ukraine, UNDP assisted the Ombudsman in monitoring the rights of the Roma population and supported the institution's participation in the sessions of various treaty bodies. In February 2015, UNDP organized training for the Office of the Ombudsman in the light of its new status as the national preventive mechanism. UNDP also supported the Ombudsman in engaging with civil society organizations to conduct human rights monitoring in 14 regions, including on the prevention of torture, access to information, the protection of economic and social rights and non-discrimination.

D. Middle East and North Africa

84. In September 2014, the Independent High Commission for Human Rights of Iraq, supported by the United Nations Office for Project Services (UNOPS) and the European Union, established a legislative task force to develop the Commission's internal procedures and policies, based on international best practices. In December 2014, with UNOPS support, members of the Commission participated in a seminar conducted by the International Institute of Higher Studies in Criminal Sciences (Syracuse, Italy) to develop internal procedures for conducting fact-finding and investigations into human rights violations. In March 2015, members of the Commission also participated in a workshop on prison monitoring conducted by UNOPS and Penal Reform International in Amman.

85. In April 2015, UNDP and UNAMI developed a two-year capacity-building and technical support project for the Independent Board for Human Rights in the Kurdistan Region, focusing on improving its mandate, structures, functions and capacities.

IV. Cooperation between national human rights institutions and United Nations human rights mechanisms

A. Human Rights Council

86. OHCHR, in coordination with the International Coordinating Committee, continued to support the engagement of national human rights institutions with the Human Rights Council and its mechanisms.

87. In line with the Council's rules of procedure that enable the participation of national human rights institutions compliant with the Paris Principles, several institutions delivered statements at Council sessions, submitted written documentation, participated in general debates under specific agenda items and organized parallel events. During the twenty-eighth and twenty-ninth sessions of the Council, 45 written statements and 46 oral statements (of which 21 were video recorded) were made by national human rights institutions.[1]

B. Special procedures

88. National human rights institutions continued to provide special procedures mandate holders with information during their country visits and, in some cases, provided input to the reports of special procedures.

C. Universal periodic review

89. During the reporting period, 42 countries underwent their second universal periodic review, and national human rights institutions continued to actively engage with the process. During that time, 12 institutions with "A status" and 5 non-accredited institutions submitted written stakeholders' contributions on the situation of human rights in their countries.

90. Four institutions participated in the Council's adoption of the outcomes of the reviews (Albania, Bosnia and Herzegovina, Egypt and New Zealand), including by means of video statements. Three institutions participated in the general debate on the universal periodic review under agenda item 6 of the Council to share midterm progress reports on the status of implementation of recommendations, voluntary commitments and pledges made by States, including by means of video statements. Five institutions circulated written information during Council sessions (see annex II).

91. National human rights institutions used the universal periodic review to advance their agenda at the national level. Written contributions were received from the institutions of the Comoros, Ethiopia, Iraq, Norway and Uruguay, which had not

[1] See www.ohchr.org/EN/Countries/NHRI/Pages/NHRIMain.aspx.

yet been accredited by the International Coordinating Committee at the time. The five States accepted recommendations to make efforts to bring the institutions into conformity with the Paris Principles and to reinforce their independence.

92. During most of the reviews of the second universal periodic review cycle, there was widespread emphasis on the important role that independent national human rights institutions played in the promotion and protection of human rights at the national level.

D. Treaty bodies

93. OHCHR continued to support the participation of national human rights institutions in treaty bodies' sessions, encouraging them to provide written or oral information and to attend sessions. OHCHR also disseminated relevant recommendations and concluding observations to the institutions concerned and provided written and oral information to treaty bodies on the status of national human rights institutions in the countries under consideration.

94. During the reporting period, of 132 States parties that were examined by human rights treaty bodies, 97 had established a national human rights institution. Of those, 35 institutions submitted written reports, 34 made oral briefings and 28 attended sessions of treaty bodies (annex I). National institutions also participated in videoconferences, particularly in the proceedings of the Human Rights Committee.

95. Treaty bodies have provided specific tools related to national institutions, including general comments, information notes and statements. The Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child have issued general comments on national human rights institutions.[2] The Committee on the Elimination of Racial Discrimination amended its rules of procedure to allow A-status institutions to address the Committee in plenary session. Other treaty bodies have included in their guidelines a section on the participation of national human rights institutions in their sessions.

96. During the first session of the Committee on the Rights of Persons with Disabilities, a meeting was organized with national human rights institutions, on 25 September 2014. At that meeting, the National Institutions and Regional Mechanisms Section of OHCHR presented a research paper on the role of human rights institutions as national monitoring mechanisms. One outcome of the meeting was the Committee's decision to prepare guidelines on the participation of national institutions in its work.

97. During the reporting period, in conformity with article 11 (b) of the Optional Protocol to the Convention against Torture, the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment provided advice and assistance to national human rights institutions on issues related to the national preventive mechanism.

[2] See general comment No. 10 (1998), general recommendation No. 17 (1993) and general comment No. 2 (2002), respectively.

E. General Assembly mechanisms and processes

98. In accordance with paragraph 16 of resolution 68/171, the present report examines the participation of national human rights institutions compliant with the Paris Principles in the work of the General Assembly and related processes, with a view to exploring the feasibility of enabling such institutions to participate independently in relevant United Nations mechanisms and processes, in accordance with their respective mandates, and on the basis of practices and arrangements agreed upon in Assembly resolution 60/251, Human Rights Council resolutions 5/1, 5/2 and 16/21 and Commission on Human Rights resolution 2005/74, while ensuring their most effective contribution.

99. The Paris Principles require national human rights institutions to engage with the international human rights system. Such institutions are uniquely positioned to provide the United Nations with evidence-based information on human rights situations and to promote the implementation of human rights norms and standards in their respective countries. That role has been recognized, welcomed and further encouraged by the General Assembly,[3] the Human Rights Council[4] and other United Nations bodies.

100. National human rights institutions enjoy formal participation rights with the Human Rights Council and treaty bodies and have had a long-standing engagement therein, as illustrated in the present and previous reports (see annexes I and II).

101. While several United Nations bodies and mechanisms associated with the promotion and protection of human rights accept national human rights institutions' participation, their interaction with such institutions remains mostly ad hoc and informal.

102. National human rights institutions have participated in a range of intergovernmental processes under the auspices of the General Assembly since the practice was established at the World Conference on Human Rights, in 1993. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001, the Durban Review Conference, held in 2009, and the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held in 2014, benefited from the participation of national human rights institutions, and in the outcome documents of those Conferences the institutions' role and contributions were specifically acknowledged.[5]

103. The rules of procedure of the Durban Review Conference allowed for the participation of national human rights institutions, both in the Conference and in its preparatory process, on the basis of arrangements and practices developed by the Commission on Human Rights, including resolution 2005/74.[6]

104. In 2009, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, as well as individual institutions, actively participated in the meetings of the Preparatory Committee for the Durban

[3] See, most recently, General Assembly resolution 68/171.
[4] See, most recently, Human Rights Council resolution 27/18.
[5] See A/CONF.189/12, chap. I, Durban Declaration, paras. 112-113, A/CONF.211/8, chap. I, and General Assembly resolution 69/2, respectively.
[6] Provisional rules of procedure for the Durban Review Conference (A/CONF.211/3), rule 65.

Review Conference and contributed to the Conference, submitting formal oral and written statements. They also held a side event, co-hosted with OHCHR.[7] The outcome document of the Conference elaborates specific contributions of national human rights institutions to the fight against racism.[8]

105. The intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system also benefited from the participation of national human rights institutions.[9]

106. Individually and through the International Coordinating Committee, national human rights institutions have participated in and contributed to the development of protocols to international human rights treaties, including the Optional Protocols to the Convention against Torture and the International Covenant on Economic, Social and Cultural Rights, and the Third Optional Protocol to the Convention on the Rights of the Child.

107. National human rights institutions also engaged in General Assembly processes in the elaboration of the Convention on the Rights of Person with Disabilities. Through the International Coordinating Committee, they had their own speaking slot under each agenda item and contributed to all stages of the drafting process. Their role was formally recognized and welcomed by the Assembly and the Ad Hoc Committee mandated to draft the Convention.[10] Their participation is clearly reflected in article 33 of the Convention, on national implementation and monitoring.

108. Both the General Assembly and the Human Rights Council have regularly welcomed contributions of national human rights institutions to the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and encouraged them to continue to interact with and advocate for their independent participation rights therein.[11] While participation modalities remain ad hoc, the practical support and information services provided by the Conference secretariat, including a section in its website on modalities for national human rights institutions' participation, have ensured an important level of contribution to the work of the Conference on the part of institutions.

109. In 2015, as in previous years, the International Coordinating Committee delivered a statement to the Conference of States Parties and hosted a side event with the participation of the Vice-Chairperson of the Committee on the Rights of Persons with Disabilities on the roles of national human rights institutions in promoting the implementation of the Convention.

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[7] See the report of the Secretary-General dated 24 August 2009 (A/64/320), paras. 78-80.

[8] See paras. 19, 42, 107, 114-115 and 140.

[9] See resolution 66/254.

[10] The participation of national human rights institutions in the work of the Ad Hoc Committee was based on General Assembly resolution 56/168, by which the Assembly decided to establish an Ad Hoc Committee, open to the participation of all Member States and observers of the United Nations, to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities. See also resolution 61/106, in which the Assembly particularly welcomes the contributions from national human rights institutions.

[11] See General Assembly resolution 68/171, para. 14; and Human Rights Council resolution 20/14, para. 15.

110. National human rights institutions also enjoy participation rights in the Permanent Forum on Indigenous Issues, mirroring arrangements at the Human Rights Council.

111. Occasionally, institutions compliant with the Paris Principles have been invited to participate in high-level events of the General Assembly, including the tenth anniversary celebration of the adoption of the Durban Declaration and Programme of Action, during which the International Coordinating Committee made a statement.

112. In the Open-ended Working Group on Ageing, established by the General Assembly in 2010, national human rights institutions do not have formal participation rights but have submitted written statements and participated as expert panellists in proceedings.

113. The Commission on the Status of Women provides for the participation of national human rights institutions as part of States' delegations. That arrangement does not accurately reflect the independent status of national institutions and could potentially compromise the institutions' independence. In a joint statement to the fifty-fourth session of the Commission on the Status of Women, 11 human rights institutions encouraged Member States to support a resolution enabling the independent participation of human rights institutions in the work of the Commission, drawing on the practice of other United Nations bodies, including the Human Rights Council.

114. The Secretary-General welcomed the engagement of national human rights institutions with the Commission on the Status of Women,[12] and the General Assembly and the Human Rights Council have regularly called for the participation of such institutions in the work of the Commission.[11] The Commission would benefit from independent and authoritative information from human rights institutions, as the majority of them address gender issues. Nonetheless, to date the Commission has not developed modalities for the participation and contribution of national institutions.

115. The General Assembly and the Human Rights Council have regularly called upon national human rights institutions to contribute to the post-2015 development agenda. In its resolution 68/171, the Assembly encouraged institutions compliant with the Paris Principles to continue to participate in and contribute to deliberations in all relevant United Nations mechanisms and processes in accordance with their respective mandates, including the discussions on the post-2015 development agenda.

116. Possible action by the General Assembly could extend to national human rights institutions' participation in the Assembly and subsidiary bodies and in the Economic and Social Council and subsidiary bodies on the basis of the modalities developed by the Human Rights Council. Such action, if decided on by Member States, could expressly give institutions fully compliant with the Paris Principles the right to provide written contributions and make oral interventions and to be heard by the Assembly, its Committees and subsidiary bodies, the Economic and Social Council and its functional commissions and all other relevant United Nations forums. Participation should be extended to A-status national institutions fully

[12] See the report of the Secretary-General to the Human Rights Council on national institutions for the promotion and protection of human rights (A/HRC/27/39), para. 113.

compliant with the Paris Principles, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and related regional associations of national human rights institutions.

V. Conclusions and recommendations

A. Member States

117. **Member States should establish a national human rights institution compliant with the Paris Principles where none exists and strengthen the structures and independence of existing institutions to enable the independent and effective fulfilment of their mandate, taking into account the recommendations of the Subcommittee on Accreditation and advice from OHCHR.**

118. **Member States should ensure that national human rights institutions are provided with a broad mandate to protect and promote all human rights, including economic, social and cultural rights, and with adequate powers of investigation to handle allegations of human rights violations, including competence to visit detention centres.**

119. **Member States should ensure that national human rights institutions are provided with adequate human and financial resources and the autonomy necessary to propose and manage their own budgets.**

120. **Selection and appointment of members and staff of national human rights institutions should be based on an open, participatory and inclusive approach.**

121. **Members and staff of national human rights institutions should enjoy immunity while discharging their functions in good faith. States are encouraged to take the measures necessary to protect them against threats and harassment. Any cases of alleged reprisal or intimidation against members and staff of institutions, or against individuals who cooperate or seek to cooperate with them, should be promptly and thoroughly investigated and perpetrators brought to justice.**

122. **The participation of national human rights institutions fully compliant with the Paris Principles, as well as their coordinating bodies, in the General Assembly and its subsidiary bodies and working groups, as well as in the Economic and Social Council and its subsidiary bodies and working groups, including the Commission on the Status of Women, the Permanent Forum on Indigenous Issues and the processes related to the post-2015 sustainable development goals, should be considered, on the basis of the modalities for national institutions' participation in the Human Rights Council. Similar modalities could apply in conferences of States parties to human rights treaties, particularly the Conference of States Parties to the Convention on the Rights of Persons with Disabilities. National institutions could be authorized to provide written contributions and to intervene orally.**

123. **The development by each of the relevant United Nations processes and mechanisms of their own modalities for the effective and independent participation of institutions compliant with the Paris Principles should be supported.**

124. **Member States should continue to provide financial contributions to OHCHR for the latter to sustain high-quality support for the establishment and strengthening of national human rights institutions and to provide secretariat support to the International Coordinating Committee and its Subcommittee on Accreditation.**

B. National human rights institutions

125. **National human rights institutions should seek constructive cooperation with relevant State bodies to promote the inclusion of human rights issues in legislation, policies and programmes.**

126. **National human rights institutions should develop cooperation with civil society organizations and strengthen their capacity to participate meaningfully in the promotion and protection of human rights.**

127. **National human rights institutions should continue to develop and advocate the development of protective measures and mechanisms for human rights defenders and to disseminate information thereon.**

128. **National human rights institutions should continue to engage with the international human rights system and regional human rights mechanisms and to promote the implementation of their recommendations.**

129. **National human rights institutions should continue to advocate their independent participation in relevant United Nations mechanisms and processes, including the post-2015 agenda.**

C. United Nations agencies, funds and programmes

130. **United Nations agencies, funds and programmes should provide support to national human rights institutions within their respective programmes and mandates in order to further the implementation of international human rights norms.**

131. **United Nations agencies, funds and programmes should adopt suitable practical modalities of interaction with national human rights institutions, including facilitating their access to information and documentation.**

D. Conferences of States parties to human rights treaties and treaty monitoring bodies

132. **Conferences of States parties to human rights treaties and treaty monitoring bodies should harmonize their working methods to ensure the highest degree of participation by national human rights institutions at all stages of their work.**

Annex I

Engagement of national human rights institutions in the work of the treaty bodies (August 2014-September 2015)

Committee	*Number of States parties reviewed*	*Number of States parties with a national human rights institution*	*Submission of information*	*Briefing*	*Attendance*
Committee against Torture	16	15	9	5	5
Committee on the Elimination of Racial Discrimination	11	11	7	3	3
Committee on Economic, Social and Cultural Rights	8	8	8	4	2
Human Rights Committee	19	12	6	–	–
Committee on the Elimination of Discrimination against Women	26	15	6	6	5
Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families	9	7	1	0	0
Committee on the Rights of the Child	26	17	8	5	4
Committee on Enforced Disappearances	5	4	3	2	1
Committee on the Rights of Persons with Disabilities	12	8	8	8	8
Total	**132**	**97**	**55**	**34**	**28**

Annex II

Engagement of national human rights institutions in the second cycle of the universal periodic review (2012-2016)

Twentieth session of the Working Group on the Universal Periodic Review (2014)

State (in order of review)	*Written contribution for summary (as used)*[a]	*Oral statement and circulation of written document to the twenty-eighth regular session of the Human Rights Council (March 2015) during the adoption of the universal periodic review outcome of the concerned country (A-status national human rights institutions only) and general debate under item 6*
Plurinational State of Bolivia	Yes (A-status)	–
Iraq	Yes	–
Egypt	Yes (A-status)	National Council for Human Rights of Egypt (A/HRC/28/NI/6 — written document only)
Bosnia and Herzegovina	Yes (A-status)	–
El Salvador	Yes (A-status)	–
		Australian Human Rights Commission — agenda item 6 universal periodic review general debate by means of video message (A/HRC/28/NI/1)

Nineteenth session of the Working Group on the Universal Periodic Review (2014)

State (in order of review)	*Written contribution for summary (as used)*[a]	*Oral statement and circulation of written document to the twenty-seventh regular session of the Human Rights Council (September 2014) during the adoption of the universal periodic review outcome of the concerned country (A-status national human rights institutions only) and general debate under item 6*
Norway (2)	Yes	–
Qatar	Yes (A-status)	Qatar National Human Rights Committee
Nicaragua	Yes (A-status)	–
Ethiopia	Yes (B-status)	–
Costa Rica	Yes (A-status)	–

State (in order of review)	*Written contribution for summary (as used)*[a]	*Oral statement and circulation of written document to the twenty-seventh regular session of the Human Rights Council (September 2014) during the adoption of the universal periodic review outcome of the concerned country (A-status national human rights institutions only) and general debate under item 6*
Albania	Yes (A-status)	People's Advocate of Albania — agenda item 6 review of Albania by means of video message (A/HRC/27/NI/6) Northern Ireland Human Rights Commission — agenda item 6 universal periodic review general debate by means of video message (A/HRC/27/NI/7 — midterm progress report) Equality and Human Rights Commission of Great Britain — agenda item 6 universal periodic review general debate (A/HRC/27/NI/9 — midterm progress report — written document only)

Eighteenth session of the Working Group on the Universal Periodic Review (2014)

State (in order of review)	*Written contribution for summary (as used)*[a]	*Oral statement and circulation of written document to the twenty-sixth regular session of the Human Rights Council (June 2014) during the adoption of the universal periodic review outcome of the concerned country (A-status national human rights institutions only) and general debate under item 6*
Afghanistan	Yes (A-status)	Independent Human Rights Commission (video message)
Comoros	Yes	–
Uruguay	Yes	–
Chile	Yes (A-status)	–
New Zealand	Yes (A-status)	New Zealand Human Rights Commission (video message)
The former Yugoslav Republic of Macedonia	Yes (A-status)	–

[a] "Yes" appears only where institutions made written contributions.